



Order Filed on January 16, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-2(c)	
ROMANO GARUBO & ARGENTIERI Emmanuel J. Argentieri, Esquire 52 Newton Avenue, P.O. Box 456 Woodbury, New Jersey 08096 (856) 384-1515	
Attorney for Secured Creditor, U.S. Bank National Association as Legal Title Trustee for Truman 2016 SC6 Title Trust	
FOUR THE BOYS II, LLC <i>fka</i> FOUR THE BOYS, LLC xx-xxx5633	
Debtor.	

Case No.: 19-19708
Chapter: 11
Judge: CMG

**CONSENT ORDER RESOLVING OBJECTION TO CONFIRMATION FILED BY U.S.
BANK NATIONAL ASSOCIATION AS LEGAL TITLE TRUSTEE FOR TRUMAN 2016
SC6 TITLE TRUST ("TRUMAN") AND DEBTOR'S OBJECTION TO
TRUMAN'S PROOF OF CLAIM**

The relief set forth on the following pages numbered two (2) through five (5) is hereby
ORDERED.

DATED: January 16, 2020

A handwritten signature in cursive script, reading "Christine M. Gravelle".

Honorable Christine M. Gravelle
United States Bankruptcy Judge

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Debtor: Four The Boys II, LLC fka Four The Boys, LLC

Case No: 19-19708

Caption of Order: CONSENT ORDER RESOLVING OBJECTION TO CONFIRMATION FILED BY U.S. BANK NATIONAL ASSOCIATION AS LEGAL TITLE TRUSTEE FOR TRUMAN 2016 SC6 TITLE TRUST AND DEBTOR'S OBJECTION TO TRUMAN'S PROOF OF CLAIM

Upon consideration of ("Truman") U.S. Bank National Association as Legal Title Trustee for Truman 2016 SC6 Title Trust's objection to Debtor's Chapter 11 Plan of Reorganization and Debtor's objection to the proof of claim filed by Truman in this case; and the parties having subsequently resolved their differences; and the Court noting the consent of the parties to the form, substance and entry of the within Order; and for cause shown, it is hereby;

ORDERED as follows:

1. All terms and conditions set forth in this Court's July 22, 2019 Order resolving the motion for stay relief filed by Truman as to Debtor's realty commonly known as 356 Bay Lane, Mantoloking Shores, New Jersey 08738 ("property") are adopted and incorporated herein as if set forth at length with same being attached hereto as EXHIBIT A.
2. Truman's proof of claim previously filed with the Court on August 30, 2019 and designated in the Claims Registry as Claim Number 1 is hereby amended to reflect a pre-petition claim in the amount of \$715,586.08 ("arrearage claim") and a total claim of \$1,504,909.02 ("total claim") as of the petition filing date.
3. The parties hereby acknowledge and agree that as of the filing date, outstanding principal due to Truman totaled \$1,000,000.00 of which \$229,444.28 is included in Truman's arrearage claim and the remaining principal to be amortized outside the plan in accordance with the terms and conditions of the note and mortgage totals \$770,555.72.
4. The arrearage claim shall be repaid by Debtor to Truman, its successors and/or assigns, in accordance with the terms and conditions of Debtor's proposed chapter 11 plan

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("proposed ch. 11 plan") filed with the Court on September 10, 2019 pending confirmation; to wit: arrearage claim to be repaid within 72 months, payments to commence the first month subsequent to confirmation of the plan.

5. Debtor has commenced repayment of the aforesaid principal totaling \$770,555.72 in accordance with EXHIBIT A and will continue to do so in accordance with the terms and conditions of the note and mortgage consistent with the Debtor's proposed ch. 11 plan pending confirmation of same. Debtor has made payments as against the aforesaid principal of \$770,555.72 in accordance with EXHIBIT A for the months of June, July, August, September, October, November and December 2019 in the amount of \$41,078.27, and will continue to do so in accordance with the terms and conditions of the note and mortgage consistent with the Debtor's proposed ch. 11 plan pending confirmation of same.

6. In the event Debtor defaults under this order and/or the confirmed chapter 11 plan of Debtor's is adjudicated not to be substantially completed and/or Truman obtains stay relief, then this order and Debtor's plan as it pertains to Truman, its successor and/or assigns, shall be deemed vacated and Truman shall be entitled to repayment of all sums due and owing to it on its mortgage to the full extent same exists at the time of the default under this order or at the time Debtor's plan is deemed to be not substantially completed with credit for any payments made pursuant hereto. Truman may thereafter pursue its remedy of foreclosure under the loan documents.

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7. All terms and conditions of the original loan documents (Note and Mortgage) shall remain in full force and effect.

8. In the event Debtor's chapter 11 plan is not confirmed and the case is dismissed or converted to a chapter 7 proceeding, this Order shall be deemed vacated and Truman is granted stay relief to proceed with its state court remedies against the property in accordance with the loan documents.

9. Pending confirmation of Debtor's Chapter 11 plan, the thirty day default clause set forth in this Court's July 22, 2019 order resolving a prior stay relief motion by Truman remains in full force and effect. Upon confirmation, default shall be controlled by the terms and conditions of the confirmed plan and the Note and Mortgage previously executed by Debtor. Upon Debtor's full cure of the arrearage claim, Truman, or its successors, shall vacate the final judgment entered in the foreclosure case.

10. The Debtor's Chapter 11 Plan is hereby amended to treat the Secured Claim of Truman in accordance with the terms of this Consent Order.

11. The Order Confirming the Debtor's Chapter 11 Plan will incorporate this Consent Order and Exhibit A attached to same ("consent order") by reference and this Consent Order will be made a part thereof.

12. Truman accepts the Debtor's Chapter 11 Plan as amended by this Consent Order.

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13. Truman shall serve a copy of the executed order on all interested parties who have not yet been served electronically by the Court.

The undersigned hereby consent to the form, Content and entry of the within Order:

**Law Office of Eugene D. Roth
Counsel for the Debtor, Four the Boys II, LLC**

**/S/Eugene D. Roth, Esq.
Eugene D. Roth, Esq.**

Date: 1/7/2020

**Romano Garubo & Argentieri
Counsel for Secured Creditor, U.S. Bank National
Association as Legal Title Trustee for Truman 2016
SC6 Title Trust**

**/S/Emmanuel J. Argentieri, Esq.
Emmanuel J. Argentieri, Esq.**

Date: 1/8/2020

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The undersigned hereby consent to the form, Content and entry of the within Order:

Law Office of Eugene D. Roth
Counsel for the Debtor, Four the Boys II, LLC


Eugene D. Roth, Esq.

Date:

1/7/20

Romano Garubo & Argentieri
Counsel for Secured Creditor, U.S. Bank National
Association as Legal Title Trustee for Truman 2016
SC6 Title Trust


Emmanuel J. Argentieri, Esq.

Date:

1/8/20

EXHIBIT A



Order Filed on July 22, 2019
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-2(c)	
ROMANO GARUBO & ARGENTIERI Emmanuel J. Argentieri, Esquire 52 Newton Avenue, P.O. Box 456 Woodbury, New Jersey 08096 (856) 384-1515 Attorney for Secured Creditor, U.S. Bank National Association as Legal Title Trustee for Truman 2016 SC6 Title Trust	
FOUR THE BOYS II, LLC <i>fka</i> FOUR THE BOYS, LLC xx-xxx5633 Debtor.	

Case No.: 19-19708
Chapter: 11
Judge: CMG

ORDER RESOLVING U.S. BANK NATIONAL ASSOCIATION AS LEGAL TITLE TRUSTEE FOR TRUMAN 2016 SC6 TITLE TRUST'S MOTION FOR RELIEF FROM THE AUTOMATIC STAY SUBMITTED UNDER THE CONSENT OF THE PARTIES

The relief set forth on the following pages numbered two (2) through four (4) are hereby **ORDERED**.

DATED: July 22, 2019


Honorable Christine M. Gravelle
United States Bankruptcy Judge

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Debtor: Four The Boys II, LLC fka Four The Boys, LLC

Case No: 19-19708

Caption of Order: ORDER RESOLVING U.S. BANK NATIONAL ASSOCIATION AS LEGAL TITLE TRUSTEE FOR TRUMAN 2016 SC6 TITLE TRUST'S MOTION FOR RELIEF FROM THE AUTOMATIC STAY SUBMITTED UNDER THE CONSENT OF THE PARTIES

Upon consideration of ("Movant") U.S. Bank National Association as Legal Title Trustee for Truman 2016 SC6 Title Trust's motion for an order, pursuant to section 362(d) of the Bankruptcy Code, for relief from the automatic stay as to certain real property as hereinafter set forth; and the Debtor having filed opposition thereto; and the parties having subsequently resolved their differences; and the Court noting the consent of the parties to the form, substance and entry of the within Order; and for cause shown, it is hereby;

ORDERED as follows:

1. Movant confirms that Debtor has tendered the June and July 2019 adequate protection payments, each in the amount of \$5,968.34.
2. Pending confirmation, commencing with August 1, 2019 and continuing each month thereafter, Debtor shall tender to Movant's Servicer Fay \$5,968.34 in adequate protection payments. Said payments are due on the first of each month with a 15 (fifteen) day grace period after which Debtor shall be in default hereunder. The subject mortgage account is an adjustable rate mortgage account. Accordingly, Debtor's monthly adequate protection payment will adjust in accordance with the terms and conditions of the loan documents and Debtor shall make its adequate protection payment in an amount as it may then exist.
3. On or before the close of business for July 31, 2019, Debtor shall reimburse Movant, via its servicer Fay, the sum of \$1,331.00 for attorney's fees and costs incurred by Movant in the prosecution of its motion for relief. Payment shall be tendered to Fay at the following address:

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Fay Servicing, LLC
PO Box 814609
Dallas, TX 75381
mailing address

Fay Servicing, LLC
1601 LBJ Freeway, Suite 150
Farmers Branch, TX 75234
overnight/priority mail address

4. The Debtor shall file a proposed chapter 11 plan and disclosure Statement with the Court on or before the close of business for August 11, 2019. However, nothing contained in this paragraph shall waive the Debtor's right to file a Motion to Extend the Exclusivity Period for cause as defined by 11 *U.S.C.* 362(d)(3).

5. Debtor shall be responsible for maintaining all real estate taxes accruing against the property as same come due and providing to US Bank proof of such payments c/o its mortgage servicing agent Fay Servicing, LLC ("Fay") within (10) ten days after such taxes become due. Said proof shall be mailed to Movant's counsel and Fay.

6. Debtor shall be responsible for maintaining adequate hazard and, if applicable, flood insurance ("insurance") for the property which names US Bank as an additional insured and/or loss payee and provide to US Bank's mortgage servicing agent Fay and its counsel proof of renewed insurance at least (15) fifteen days before such coverage is set to lapse.

7. If the Debtor fails to comply with paragraphs 2, 3, 4, 5, and/or 6 above, then upon the filing of a certification of non-receipt of said payment or failure by the Debtor to provide

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proof of adequate insurance and/or payment of real estate taxes and/or Debtor fails to file a Chapter 11 Plan and Disclosure Statement in accordance herewith submitted by secured creditor's counsel, and to which no response is received during the objection period provided by the Court with reference to such certification of default, the Court shall in that event, enter an Order vacating the automatic stay of 11 U.S.C. 362(a) with respect to secured creditor's enforcement of its State Law Foreclosure action against the realty commonly known as 356 Bay Lane, Mantoloking Shores, New Jersey 08738. The order submitted to the Court will not require the consent of the Debtor or the Debtor's counsel regarding form or substance, however the U.S. Trustee, Debtor and her counsel shall be given notice of any filing of a certification of non-receipt in accordance with Rule 9072-1 of the Local Rules of Bankruptcy Procedure.

8. The parties reserve all claims and defenses as to the confirmability of Debtor's pending plan. No positions are waived by this resolution

9. Movant shall continue to adjourn its pending Sheriff's Sale from time to time as long as the Automatic Stay is still in place with respect to the Debtor's realty.

10. Movant shall serve a copy of the executed order on all interested parties who have not yet been served electronically by the Court.